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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

SIDNEY LADIN REVOCABLE TRUST DATED
12/30/96; SIDNEY R. LADIN GRANTOR
RETAINED ANNUITY TRUST 11/3/04; SIDNEY
R. LADIN, individually and in his capacity as
Grantor and Trustee of the Sidney Ladin Revocable
Trust dated 12/30/96 and the Sidney R. Ladin
Grantor Retained Annuity Trust dated 11/3/04;
SHARLENE LADIN, in her capacity as Trustee of

Adv. Pro. No. 10-04436 (SMB)

the Sidney Ladin Revocable Trust dated 12/30/96;
and SIDNEY KAPLAN, in his capacity as Trustee
of the Sidney R. Ladin Grantor Retained Annuity
Trust dated 11/3/04,

Defendants.

NOTICE OF MEDIATOR SELECTION

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)¹ [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), in this Adversary Proceeding on November 30, 2010 [Dkt. No. 2], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Pursuant to the Avoidance Procedures, on December 23 the Trustee filed with this Court the Notice of Mediation Referral [Dkt. No. 29] wherein the Trustee and Defendants jointly agreed to enter mediation without further court order.

Through this Notice of Mediator Selection, and pursuant to the Avoidance Procedures and the Mediation Order, made applicable to the Parties upon the filing of the Notice of Mediation Referral, the Parties hereby mutually select from the Mediation Register Ted A. Berkowitz from the law firm of Farrell Fritz, P.C., to act as Mediator in this matter. The Parties further agree to contact Mr. Berkowitz as soon as practicable after this Notice of Mediator Selection is filed with the Court.

¹ All terms not defined herein shall be given the meaning ascribed to them in the Order.

The Parties further agree that no person shall act as Mediator if that person, or that person's law firm, currently represents a party with respect to the BLMIS proceeding, unless the Parties provide prior written consent that the person may act as Mediator.

Pursuant to the Avoidance Procedures, the Parties agree that this mediation will conclude within 120 days from the date that this Notice of Mediator Selection is filed, unless that deadline is extended by mutual consent of the Parties and the Mediator.

Dated: New York, New York

January 5, 2016

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Attorneys for Defendants Sidney Ladin Revocable Trust Dated 12/30/96; Sidney R. Ladin Grantor Retained Annuity Trust 11/3/04; Sidney R. Ladin, individually and in his capacity as Grantor and Trustee of the Sidney Ladin Revocable Trust dated 12/30/96 and the Sidney R. Ladin Grantor Retained Annuity Trust dated 11/3/04; Sharlene Ladin, in her capacity as Trustee of the Sidney Ladin Revocable Trust dated 12/30/96; and Sidney Kaplan, in his capacity as Trustee of the Sidney R. Ladin Grantor Retained Annuity Trust dated 11/3/04